


POLICY BULLETIN (PB)				
Subject: Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings				
PB Number:				
	California Department of Corrections and Rehabilitation Division of Juvenile Justice	Manual: <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Administrative (YAM) Education Services (ES) Institutions and Camps (I&C) Parole Services (PS) Special Education (SE)	Revision #: Section #: 6158.4 5255

The purpose of this Policy Bulletin (PB) is to provide all Division of Juvenile Justice (DJJ) Institutions and Camps (I&C) and Parole Services (PS) manual holders with information regarding the revised DJJ policy entitled Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings, formerly entitled Conformity with Americans with Disabilities Act during Revocation Proceedings.

This policy addresses the LH v Schwarzenegger litigation requirement for ADA. It articulates the process and procedures required to provide equal access to all Division of Juvenile Justice (DJJ) parolees during parole revocation proceedings. This is to ensure all qualified juvenile parolees with a disability, as defined in Title 42 of the United States Code, sections 12101 - 12213 shall not, because of that disability, be excluded from equal and effective participation in their parole revocation proceedings. This policy also outlines accommodations and assistance available to the parolee and a well documented procedure to facilitate the procurement of these items.

Instructions

This PB contains changes to the above reference manual(s). To update your manual(s), please follow the directions below step by step.

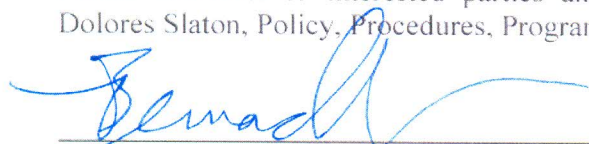
1. Locate the correct manual(s), as marked above.

Remove	Insert	Special Instructions
Conformity with Americans with Disabilities Act During Revocation Proceedings, I&C Manual, Section, 6158.4 and PS Manual, Section 5255	Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings, I&C Manual, Section # 6158.4 and PS Manual, Section 5255	N/A
N/A	Insert the forms behind index in numerical order.	For the most current versions of forms, go to: http://intranet/DJJ/forms/DJJ_Forms.asp

3. Update the Revision Record Log (first page of the manual) using the revision number reference above.

This cover sheet does not need to be archived in the manual, only the attached items.

Please distribute to interested parties and make additional copies if necessary. Please direct any inquiries to Dolores Slaton, Policy, Procedures, Programs, and Regulations (PPP&R) Unit Manager, at (916) 262-1431.



BERNARD E. WARNER
Chief Deputy Secretary

10/21/09
Approval Date

Attachment(s)



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

Manual

- ☐ Administrative (YAM)
- ☐ Education Services (ES)
- ☒ Institutions and Camps (I&C)
- ☒ Parole Services (PS)
- ☐ Special Education (SE)

Section

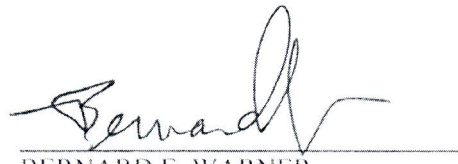
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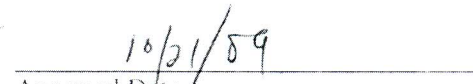
Replace(s)

6158.4
5255

Signature/Approval

Date


BERNARD E. WARNER
Chief Deputy Secretary


Approval Date 10/21/09

Policy Statement

It is the policy of the Juvenile Parole Board (JPB) and the Division of Juvenile Parole Operations (DJPO) to provide equal access to parole revocation proceedings for all juvenile parolees in conformity with the Americans with Disabilities Act (ADA), the L.H. Injunction, and the U.S. Constitution. This document sets forth the policy and procedures with respect to providing accommodations and assistance ensuring the parolee's effective communication and participation during their parole revocation proceedings.

Scope

These policies and procedures specifically apply to the JPB parole revocation process, all parolees under its jurisdiction who have physical or mental impairments recognized by the ADA and the Rehabilitation Act and/or effective communication needs, and all DJJ staff involved in the revocation process.

Goal(s)

No qualified juvenile parolee with a disability or effective communication need shall, because of that disability or need, be excluded from equal and effective participation in parole revocation proceedings.

Authority

- United States Code, Title 28, Section 35.104 and Title 42, Sections 12101-12213
- Welfare and Institutions Code, Section 1712(b)
- L.H. Stipulated Order for Permanent Injunctive Relief
- L.H. v. Schwarzenegger, Order of U.S. District Court, January 29, 2009

Related Standards/ References

- Americans with Disabilities Act of 1990
- Rehabilitation Act, Section 504
- Disability Categories Policy, SE Manual, Section 1061
- Juvenile Parole Revocation Process Policy, Juvenile Parole Board, 06/10/09
- Wards with Disabilities Policy, I&C Manual, Sections 6155 – 6158.2
- Youth with Disabilities Emergency Announcement Protocol Policy, I&C Manual, Section 6158.3



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

Related Remedial Plan or Court Order

Farrell Lawsuit

- ☐ Education Services
- ☐ Health Care Services
- ☐ Mental Health
- ☐ Safety and Welfare
- ☐ Sexual Behavior Treatment Program
- ☐ Wards with Disabilities Program

Other Lawsuits & Court Orders

- ☒ L.H. Lawsuit
- ☐ Other: _____

Requirements

This policy has a training requirement:
This policy has an audit requirement:
This policy has restricted distribution:
This policy requires annual review:
This policy requires a local procedure:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Revision Date(s)

05/13/09 and 12/26/08

Effective Date

02/01/10



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

DEFINITION(S)

Auxiliary Aids and Services – A wide range of services and devices used to ensure effective communication and equal participation

Developmental Disability - A condition attributable to a mental or physical impairment, manifested before age twenty-two, and likely to continue indefinitely, resulting in substantial limitation in three or more specified areas of functioning (i.e., caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working) and will require specific and lifelong extended care.

Disability – A physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such impairment or condition; or being regarded as having such an impairment or condition.

Effective Communication - Communication with persons with disabilities or those with limited English skills and reading ability that is as effective as communication with others. Effective communication may require the use of an appropriate auxiliary aid or service, or may be achieved by methods such as speaking clearly or using simple language and soliciting feedback to ensure understanding.

Good Cause - Justifiable and legitimate reason for delay, asserted in good faith and caused by factors that are either beyond the control of, or not fairly attributable to California Department of Corrections and Rehabilitation, Division of Juvenile Parole Operations, Juvenile Parole Board, and/or Division of Juvenile Justice.

Major Life Activities – Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working

Mental Impairment – Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities

Physical Impairment - A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that affects one or more of the bodily systems.

Probable Cause Hearing - A hearing in which the juvenile parolee appears and at which it is determined whether there is probable cause to believe that the juvenile parolee has violated a condition of parole and, if so, whether the juvenile parolee should be detained during the revocation process.

Reasonable Accommodation - A modification or adjustment that will help provide equal access to programs, activities and services for parolees with disabilities or effective communication needs.

Revocation Extension Hearing - The two-phase hearing (evidentiary and disposition) in which the parolee appears before the Juvenile Parole Board, at which it is determined whether the preponderance of the evidence shows that the parolee committed Willful Program Failure or Serious In-Custody Misconduct, and in which a parolee's parole revocation period may be extended. A parolee's parole revocation period may not be extended because of the Division of Juvenile Justice's failure to provide a recommended program at all or in a timely manner.



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

Revocation Hearing - A two-phase hearing (evidentiary and disposition) at which it is determined whether the preponderance of the evidence shows that the parolee violated a condition of parole and whether the parolee should be returned to parole supervision or remanded to custody.

Revocation Proceeding/Revocation Process - All stages of the process by which a parolee may be returned to or retained in custody following an alleged parole violation and a Welfare and Institutions Code 1767.3 hold may have been placed up to and including the revocation hearing, revocation extension hearing, or any administrative appeal. In the case of parole violators who are not in custody, the revocation process begins when the parolee is notified of the pending charges and of his or her rights.

Substantially Limits – A person is considered an individual with a disability when the individual's important life activities are restricted as to the conditions, manner, or duration under which they can be performed in comparison to most people.

TRAINING

The Division of Juvenile Justice shall facilitate and/or provide training regarding ADA compliance and disability/effective communication awareness to all JPB, DJF and DJPO personnel who, during the parole revocation process, either come into direct contact with or make decisions regarding the accommodations and effective communication assistance provided to parolees, including, but not limited to, Parole Staff, Supervising Parole Staff, Assistant Supervising Parole Staff, DDMS Coordinators, DDMS Investigators, Board Coordinating Parole Agents (BCPA), Hearing Officers, Wards with Disabilities Program (WDP) Coordinators, ADA Coordinators, and the Executive Officer.

Such training shall take place annually and shall include: Title II of the ADA, disability awareness, methods for assessing whether a parolee adequately understands verbal and written communication or if they may be suffering from an undisclosed mental condition, methods for identifying parolees with effective communication needs (including, but not limited to, parolees with learning disabilities, low literacy, and whose primary language is not English) and the requirements of the *L.H. v. Schwarzenegger* injunction, including DJJ, JPB, and DJPO's policies and procedures relative to the Injunction.

QUALITY ASSURANCE

Monitoring and compliance will be effectuated through the tracking and reporting component of a computerized, statewide, real-time networked database. The tracking and reporting system is known as the Juvenile Scheduling and Tracking System (JSTS). A compliance and self-monitoring team will perform independent audits and assessments regarding compliance with the terms of the Injunction and these policies and procedures.



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

PROCEDURES

I. ACCOMMODATIONS

- A. It is the Division of Juvenile Justice's policy to ensure that parolees/parole violators are provided with equal access to, and effective communication assistance during, the revocation/revocation extension process. The type of accommodation or service necessary to achieve access and effective communication will vary from case to case.
- B. Parolees/parole violators with disabilities or effective communication needs will have the opportunity to request an accommodation via the Request for Accommodation and Assistance form (DJJ 3.260).
- C. The failure to provide effective communication or an accommodation to compensate for a physical or mental impairment, about which DJJ or JPB should have known, does not constitute good cause for the postponement of either a probable cause, revocation or revocation extension hearing.
- D. The type of accommodation or service necessary to achieve effective communication will vary from case to case. Accommodations shall include:
 - **Auxiliary Aids:** A wide range of services and devices used to ensure effective communication and equal participation. The type of auxiliary aid provided depends upon the parolee's disability, but shall include magnifying sheets, assistive hearing devices, dual handset telephones, Scanning And Reading Appliance (SARA), eyeglasses, canes, and/or wheelchairs.
 - **Accommodations for Non-English Speakers:** Certified foreign language interpreting services will be scheduled to provide assistance during the serve, the parolee attorney/client interview, the probable cause hearing and the revocation/revocation extension hearing to ensure effective communication and equal participation in revocation proceedings to the best of the parolee's ability. No DJJ staff may serve as interpreters in revocation or revocation extension hearings where sworn testimony is taken
 - **Accommodations for the Hearing Impaired:** Hearing impairment ranges from slight difficulty with hearing at low volume to a total loss of hearing (deaf). The auxiliary aid or service necessary for the parolee to effectively communicate will depend on the degree of hearing impairment, but may include assistive hearing devices and sign language interpreters when applicable.
 - Qualified sign language interpreters will be provided for all parole revocation proceedings when sign language is the parolee's primary method of communication.
 - Additional Methods of Communication for the Hearing Impaired: For parolees who do not understand sign language, either lip reading or written language will be the communication method, according to the primary method of communication for the parolee.
 - Written notes cannot be used as a method of effective communication in parole revocation proceedings, except for those cases in which the use of written notes is the parolee's primary method of communication. In such cases the effective communication method that was used shall be documented on the Request for Accommodation and Assistance form (DJJ 3.260). Any written notes used to effectively communicate, except those between the parolee and their attorney, shall be attached to the forms documenting the relevant parole proceedings.
 - Lip reading shall not be used unless it is the parolee's sole method of communication.
 - If it has been determined that a parolee, whose primary method of communication is sign language, meets the standards for restraint set forth in the JPB Policy and Procedure entitled "Juvenile Parole Revocation Process" and must have their hands and arms restrained during either a probable cause,



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

revocation or revocation extension hearing, the hearing officer shall immediately contact JPB's Executive Officer, or his/her designee, for direction. In all such cases, the use of mechanical restraints shall be considered a denial of accommodation for the purpose of bringing an ADA grievance.

- **Accommodations for the Vision Impaired:** Vision impairment ranges from partial vision to total loss of vision (blind). The auxiliary aid or service necessary for the parolee to effectively communicate will depend on the degree of vision impairment, but shall include magnifying sheets, eyeglasses, large print forms, audiotape forms, Braille, and SARA Readers
- **Accommodations for Speech Impairments:** Speech impairments range from mild to severe and are characterized by stuttering and/or difficulty in producing sounds and/or difficulty in producing or understanding language (including reading and writing).
 - Auxiliary aids to ensure effective communication and equal participation in revocation proceedings to the best of the parolee's ability shall be provided and include language interpreters and sign language interpreters.
- **Mental/Psychological Impairments:** Parolees with mental or cognitive impairments may require accommodations. Effective communication with parolees with mental disabilities may require using basic communication skills in a patient, respectful, and dignified manner, avoiding big words or complicated concepts, repetition, and soliciting feedback from the parolee to ensure understanding.
 - Accommodations shall be provided to ensure effective communication and equal participation in revocation proceedings to the best of the parolee's ability.
- **Cognitive Impairments:** Effective communication may require using basic communication skills in a patient, respectful, and dignified manner, avoiding big words or complicated concepts, repetition, and soliciting feedback from the parolee to ensure understanding.
- **Developmental Disabilities:** Parolees with developmental disabilities may require accommodations for communication impairments impacting their ability to speak, read, write and understand, for poor cognitive abilities, learning deficits and/or physical impairment.
 - Effective communication with parolees with developmental disabilities may require using basic communication skills in a patient, respectful, and dignified manner, avoiding big words, repetition, and soliciting feedback from the parolee to ensure understanding. It may also include assistance with completing forms or necessary documents.
 - Accommodations shall be provided to ensure effective communication and equal participation in revocation proceedings to the best of the parolee's ability.
- **Learning Disabilities:** A learning disability is a disorder in one or more basic psychological processes involved in understanding or using verbal or mathematical language. It may interfere with one's ability to listen, think, speak, read, write, spell, or do mathematical calculations.
 - Parolees with learning disabilities shall be provided with accommodations in parole revocation proceedings to ensure effective communication and equal participation in revocation proceedings to the best of the parolee's ability.
- **Accommodations for the Mobility Impaired:** A list of inaccessible and accessible facilities must be maintained by the WDP/ADA Coordinators. In addition, mobility impaired parolees shall be provided with accommodations such as a cane or a wheelchair as necessary.



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

- Parole proceedings for mobility impaired parolees will not be conducted at facilities that are inaccessible to them. Lack of an accessible hearing site is not good cause to postpone any parole revocation proceeding.

E. Forms

1. Forms that may be read or completed by the parolee/parole violator during the revocation/revocation extension process and administrative appeal shall be:
 - a. Written in language that is equivalent to a sixth grade reading level
 - b. Translated into Spanish
2. These forms shall also be available to Parole Staff, DJF staff, and JPB staff in the following alternative formats:
 - a. Large print
 - b. Braille
 - c. Audiotape
3. The following auxiliary aid will be made available to assist parolees in reading forms:
 - a. SARA

II. RESPONSIBILITIES OF THE PAROLEE/PAROLE VIOLATOR

- A. It is the responsibility of the parolee/parole violator to request a reasonable accommodation in order to ensure effective communication and/or equal access by correctly completing Section II of the Request for Accommodation and Assistance form (DJJ 3.260) to the best of his/her ability.
- B. It is also the responsibility of the Division of Juvenile Parole Operations (DJPO), Division of Juvenile Facilities (DJF) or Juvenile Parole Board (JPB) staff that are aware or should reasonably be aware of a disability or effective communication need to request reasonable accommodation on behalf of the parolee/parole violator by completing the Request for Accommodation and Assistance form (DJJ 3.260). Nothing in this section relieves DJPO, DJF or JPB staff of their responsibility to identify and request a reasonable accommodation on behalf of the parolee/parole violator and to provide effective communication in all parole proceedings.

III. RESPONSIBILITIES OF DIVISION OF JUVENILE PAROLE OPERATIONS (REVOCATION / REVOCATION EXTENSIONS IN NON-DJJ FACILITIES)

A. Identification of Parolees In Need of Accommodations or Effective Communication Assistance

During parole staff's first contact with a newly released parolee, parole staff shall:

1. Review the WDP Board Information Report with the parolee in order to confirm, as applicable, the parolee's:
 - a. Medical issues,
 - b. Mental, developmental, physical, or learning disabilities and/or
 - c. Need for effective communication assistance.
2. Document on the First Contact Report (DJJ 3.291) form:
 - a. That the WDP Board Information Report has been reviewed with the parolee



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

- b. The results of and the observations made during the interview
- c. Any new or previously unidentified disabilities or effective communication needs in conjunction with the parole placement packet
- d. Any requests for accommodation or assistance
3. Review the general and special conditions of parole with the parolee using any methods necessary to achieve effective communication.
4. Document the method of effective communication used on the Notice and Conditions of Parole (DJJ 3.207).

B. File/Database Review

1. Parole staff must identify, through a review of the field file and relevant electronic databases, those parolees who may require a reasonable accommodation or effective communication assistance. In order to ensure timely provision of auxiliary aids or services, the review shall take place no later than two (2) business days after placement of a parole hold in the case of revocation proceedings and no later than two (2) business days after the Supervising Parole Agent has approved the revocation extension referral to the JPB. .
2. Identification of disabilities or communication barriers shall be accomplished through a review of the field file and the relevant electronic databases. Information about a parolee's disability and/or effective communication needs is located throughout the field file and relevant electronic databases. Relevant field file documents that must be reviewed include but are not limited to:
 - The First Contact Report (DJJ 3.291)
 - All previously completed Request for Accommodation and Assistance forms (DJJ 3.260)
 - Parole Consideration Hearing Report Parts I and II that include a comprehensive history of the parolee's medical, educational, psychological, and accommodation history while in the facility
 - Referral Document (DJJ 1.411) that includes a Medical/Disability section
 - Case Review Summary form
 - WDP Board Information Report which summarizes and provides a quick reference to the information contained in the Ward Information Network (WIN)
 - Disability-Effective Communication Summary Report (DJJ 3.299)
 - Field Information System (FIS) case notes documenting disabilities and effective communication needs that have developed or changed since release on parole supervision
 - Documentation included in the medical/education sections of the field file.
3. Parole Staff shall review the field file and relevant electronic databases for any indicators of the following disabilities or effective communication needs:
 - Mental Health Concerns (e.g., the use of psychotropic medications, participation in mental health programs, etc).
 - Mental/Psychological Disorders (e.g., mental retardation/intellectual disability, cerebral palsy, epilepsy, or autism).



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

- Literacy Barriers (e.g., inability to read, developmental disabilities, learning disabilities, vision impairment, or CASAS score of sixth grade level or lower (whether or not they have a qualified disability)).
 - Learning Disabilities (e.g., developmental speech and language disorders, motor skills disorders, attention disorders such as ADHD, or academic skill disorders such as dyslexia).
 - Language Barriers (e.g., speech impairment, hearing impairment, or language other than English as primary language).
 - Physical Disabilities (e.g., needs wheelchair, use of a cane, loss of use of any of the upper or lower extremities, hearing or vision impairment).
4. In reviewing the field file and relevant electronic databases, parole staff should be aware that all medical and psychological information is confidential and the purpose of the review is solely to determine whether a parolee has a possible disability that would require accommodation to ensure effective communication or participation in the parole revocation process.
 5. Upon completion of a review of the field file and available databases, parole staff shall document all information pertaining to disabilities, communication barriers, or lack thereof by completing Section I of the Request for Accommodation and Assistance form (DJJ 3.260), and shall attach copies of the following source documents: the original Disability-Effective Communication Summary Report form (DJJ 3.299), updates to the Disability-Effective Communication Summary Report form (DJJ 3.299), WDP Board Information Report, all prior Requests for Accommodation and Assistance forms (DJJ 3.260), and all Youth Request for Reasonable Accommodation forms (DJJ 8.043).
 6. If a need for effective communication assistance is identified that can be resolved through the use of an auxiliary device or professional interpreting service, it is parole staff's responsibility to ensure such assistance by scheduling an interpreter or providing an auxiliary device during the notice of charges and rights. If an auxiliary device or specialized service is needed, but is not directly available to parole staff, he or she shall immediately inform the DJPO Wards with Disabilities Program (WDP) Coordinator who will secure an auxiliary device or specialized service to ensure effective communication.
 7. If a parolee's primary or only method of communication is either sign language or a foreign language, parole staff, in coordination with the DJPO WDP Coordinator, shall immediately schedule such qualified services through an independent communications service provider that has been pre-approved by JPB. California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice (DJJ), or county jail staff shall not be used as interpreters.
 8. If the parolee is located at an institution or facility that requires the parolee to be escorted from one location to another for the actual notification of charges and rights, parole staff shall coordinate with the appropriate institution or facility staff to ensure that reasonable mobility accommodations will be provided.
 9. Auxiliary devices will be contained within the ADA kit, which shall consist of, but not be limited to, an assistive hearing device and a magnifying sheet. ADA kits shall be available in every parole office and shall be provided to every parole agent and Board Coordinating Parole Agent (BCPA). Dual-handset telephones for language interpretation services will be available in every parole office and be provided to every BCPA.



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

C. Notice of Charges, Rights and Completion of the Request For Accommodation and Assistance form (DJJ 3.260)

1. The parolee shall be notified of the pending charges within three (3) business days of the placement of the parole hold. Prior to that three business day deadline, the field file and database review and Section I of the Request for Accommodations and Assistance form (DJJ 3.260) shall be completed. Parole staff shall then proceed to the custody facility where the parolee is located. Every effort should be made to serve the parolee, regardless of location.
2. In the unlikely event the parolee is unable to participate in the notice process due to a medical or psychological condition, or physical unavailability, parole staff shall document that information in Section III of the Request for Accommodation and Assistance form (DJJ 3.260) and notify his or her supervisor.
3. In the unlikely event the parolee is not available for a face-to-face notice, parole staff shall return the following business day and every business day thereafter until the parolee is noticed. Parole staff shall document each attempt and the reason for the parolee's unavailability in JSTS.
4. Upon meeting with the parolee, but prior to providing the Notice of Charges (DJJ 3.274), or discussing the upcoming Probable Cause Hearing, parole staff shall conduct an in-person disability and effective communication needs assessment of the parolee and allow him/her the opportunity to independently request reasonable accommodations via the Request for Accommodation and Assistance form (DJJ 3.260):
 - a. The Request for Accommodation and Assistance form (DJJ 3.260) shall be provided to the parolee who shall be advised that JPB documents are available in alternative formats, including Spanish and large print, upon request.
 - b. Parole staff shall explain the Request for Accommodation and Assistance form (DJJ 3.260) to the parolee using effective communication as is necessary to help the parolee understand his or her right to accommodations for disability and/or effective communication needs and shall document on the form what method of effective communication was used and whether the parolee appeared to understand.
 - c. In order to ensure consistency among staff and to assure that the parolee fully understands his/her rights, the Request for Accommodation and Assistance form (DJJ 3.260) shall contain the following statement:

"You have a right to receive help talking, reading, hearing, seeing, understanding or getting to your hearing. You have a right to receive help in meeting with your attorney. If you do not speak English, you have a right to an interpreter. If you are deaf and use sign language, you have a right to a sign language interpreter. If you have difficulty reading, the JPB or DJJ must provide you with help to read the forms and papers. If you need special transportation, the JPB or DJJ must provide it for you. If you do not receive the help you need, you may file a complaint using the Accommodation and Assistance Grievance form (DJJ 3.261) or the Accommodation and Assistance Appeal form (DJJ 3.261A)"
 - d. Parole staff shall request that the parolee verbally read the above statement. If the parolee is unable to read the statement, parole staff shall read the statement verbatim to the parolee and document this inability or refusal to read in Section III of the Request for Accommodation and Assistance form (DJJ 3.260).



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

- e. Parole staff shall then ask the parolee to explain his/her rights in his/her own words to parole staff's satisfaction.
- f. Parole staff shall observe the parolee's ability to understand the process and the documents issued and shall check the appropriate box indicating whether the parolee appears to understand the reason for the proceeding, his/her due process rights and his/her rights to accommodations for disabilities and effective communication needs.
- g. If the parolee appears to have difficulty understanding, parole staff shall assess the need for alternative methods of communication (e.g., simple English, speaking slowly, repetition, etc.). Parole staff shall then document this finding as follows:
 - Check the box "Appears to Have Difficulty Understanding."
 - Check the box "Effective Communication Method Used" and write-in the method(s) used. Parole staff should also write any other observations that are pertinent.
- h. If, during the notice, parole staff become aware of an effective communication obstacle that must be resolved in order to communicate effectively with the parolee, such assistance or accommodation must first be provided before notice of the charges and rights can be resumed.

D. Providing the Accommodation

1. The Parolee's request for a particular type of accommodation shall be given primary consideration and shall be granted unless the request is unreasonable for specific articulated reasons allowable under Title II of the ADA, its implementing regulations, or interpretive case law.
2. If the necessary accommodation(s) or auxiliary aid or service is not immediately available, parole staff shall immediately notify the DJPO WDP Coordinator to secure such aid or service and resume the notice process as soon as practically possible. The accommodation requested shall be documented in JSTS.
3. Parolees shall complete section II of the Request for Accommodation and Assistance form (DJJ 3.260) in order to self-identify their need for an accommodation or effective communication assistance. If no accommodation or other assistance is being requested, the parolee must so indicate to the best of his/her ability.
4. If the parolee is unable to complete Section II, parole staff shall provide assistance by documenting the responses given by the parolee. Parole staff shall record this accommodation in Section III of the Request for Accommodation and Assistance form (DJJ 3.260).
5. If the parolee has not identified a need, but parole staff becomes aware of an effective communication obstacle or physical or mental impairment that may preclude the parolee from effectively participating during the revocation process, parole staff shall indicate in Section III of the Request for Accommodation and Assistance form (DJJ 3.260) that the parolee has an apparent physical, mental, or communication impairment for which he will need an accommodation and what accommodation is provided.
6. If an accommodation identified by a parolee or by parole staff is granted, parole staff conducting the serve should document on Request for Accommodation and Assistance form (DJJ 3.260) what disability or effective communication need is to be accommodated, and what accommodation was provided to the parolee at the serve. If parole staff at the serve denies the parolee an accommodation, the denial of such accommodation shall also be documented on the Request for Accommodation and Assistance form (DJJ 3.260).



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

7. Document any additional information, personal observations and assessments of the parolee, and note any accommodation used during the notice, in Section III of the Request for Accommodation and Assistance form (DJJ 3.260).
 - Parole staff and the parolee shall sign and date the appropriate sections.
 - Upon completion of Sections I through III of the Request for Accommodation and Assistance form (DJJ 3.260), one (1) copy shall be provided to the parolee prior to the end of this face-to-face review.
 - Advise the parolee that if a requested accommodation is denied, he/she has the right to grieve such a decision via the Accommodation and Assistance Grievance form (DJJ 3.261). This form will be carried by parole staff and provided to parolees upon request. Further advise the parolee that the grievance will be decided prior to a scheduled hearing or parole proceeding.
 - Submit any and all such grievances to the appropriate decision maker immediately.
8. Upon completion of the notice procedure described above, one copy of the Request for Accommodation and Assistance form (DJJ 3.260) shall be placed in the parolee's field file, and one copy shall be included in the revocation packet to be forwarded to the JPB.

E. Responsibilities of the DJPO Wards with Disabilities Program Coordinator

1. If an auxiliary device or specialized service is needed, but is not directly available to parole staff, he/she shall immediately inform the appropriate DJPO WDP Coordinator who will immediately take steps to secure an auxiliary device to ensure effective communication as soon as possible. In such cases, the auxiliary device shall be delivered directly to parole staff or sent by overnight mail if direct delivery is not possible.
 - The parolee's expressed choice of accommodation shall be given primary consideration and shall be provided unless it is unreasonable.
2. The DJPO WDP Coordinator shall:
 - Acquire assistive hearing devices, and magnifying sheets to be provided in every ADA kit provided to all parole agents. The DJPO WDP Coordinator shall also acquire dual-handset phones for language interpretation services, which shall be available in every parole office.
 - Have access to a SARA via overnight delivery from Parole Headquarters
 - Maintain a list of sources of auxiliary aids that can be made available upon request.
 - Track the location of requested auxiliary aids and/or equipment.
 - Ensure that the equipment is tested regularly and is in operable condition in order to avoid postponements of parole proceedings due to maintenance or repairs of equipment.
 - Ensure that relevant JPB forms are available in alternative formats (Spanish, Braille, large print, and audio).



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

IV. RESPONSIBILITIES OF THE DIVISION OF JUVENILE FACILITIES (REVOCATION EXTENSION)

A. Identification of Parole Violators in Need of Accommodations or Effective Communication Assistance /Electronic Database Review

1. The DDMS Office shall identify, through a review of the field file and the relevant electronic databases, those parole violators who may require a reasonable accommodation or effective communication assistance during revocation extension proceedings. In order to ensure timely scheduling of possible auxiliary aids or services, such a review shall take place no later than two (2) business days after the Superintendent has approved the Screening Referral for Revocation Extension Hearing (DJJ 3.265). The DDMS Office shall review the relevant electronic databases for any indicators of the following disabilities or effective communication needs:
 - Mental Health Concerns (e.g., the use of psychotropic medications, and participation in mental health programs, etc).
 - Mental/Psychological Disorders (e.g., mental retardation/ intellectual disability, cerebral palsy, epilepsy, or autism).
 - Literacy Barriers (e.g., inability to read, developmental disabilities, learning disabilities, vision impairment, or CASAS score of sixth grade level or lower (whether or not they have a qualified disability).
 - Learning Disabilities (e.g., developmental speech and language disorders, motor skills disorders, attention disorders such as ADHD, or academic skill disorders such as dyslexia).
 - Language Barriers (e.g., speech impairment, hearing impairment, or language other than English as primary language).
 - Physical Disabilities (e.g., needs wheelchair, use of a cane, loss of use of any of the upper or lower extremities, hearing or vision impairment).
2. In reviewing the relevant electronic databases, staff should be aware that all medical and psychological information is confidential and the purpose of the review is solely to determine whether a parole violator has a possible disability that would require accommodation to ensure effective communication or participation in the revocation extension process.
3. Upon completion of the field file and database review, the DDMS Office shall:
 - a. Document all information pertaining to disabilities, communication barriers, or lack thereof by completing Section I of the Request for Accommodation and Assistance form (DJJ 3.260), and shall attach the following source documents: WDP Board Information Report, all prior Requests for Accommodation and Assistance forms (DJJ 3.260), and all Youth Request for Reasonable Accommodation form (DJJ 8.043).
 - b. Provide the Request for Accommodation and Assistance form (DJJ 3.260) to the assigned DDMS Investigator for service along with the Notice of Revocation Extension Rights and Acknowledgement form (DJJ 3.263) (the "Notice").
 - c. Contact the appropriate WDP Coordinator to ensure that any needed accommodations are provided at the Notice.
4. If a need for effective communication assistance is identified that can be resolved through the use of an auxiliary device or professional interpreting service, it is the DDMS Office's responsibility to ensure



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

such assistance by scheduling an interpreter prior to the Notice or providing an auxiliary device during the notice of charges and rights. If an auxiliary device or specialized service is needed, but is not directly available to staff, he or she shall immediately inform the WDP Coordinator who will secure an auxiliary device or specialized service to ensure effective communication.

5. If a parole violator's primary or only method of communication is either sign language or a foreign language, the WDP Coordinator, shall immediately schedule such qualified services through an independent communications service provider that has been pre-approved by the California Department of Corrections and Rehabilitation. California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice (DJJ), or county jail staff shall not be used as interpreters during any revocation extension hearings where sworn testimony is taken.
6. If the parole violator is located at a facility that requires the parole violator to be escorted from one location to another for the actual notification of revocation extension rights, the DDMS Investigator shall coordinate with the appropriate WDP Coordinator to ensure that reasonable mobility accommodations will be provided.
7. Auxiliary devices will be contained within the ADA kit, which shall consist of, but not be limited to, an assistive hearing device and a magnifying sheet. ADA kits and dual handsets shall be readily available in every DJJ Facility.

B. Notice of Charges, Rights and Completion of the Request For Accommodation and Assistance form (DJJ 3.260)

1. The parole violator shall be notified of the pending charges within four (4) business days after the Superintendent has approved the Screening Referral for Revocation Extension Hearing (DJJ 3.265)
2. In the unlikely event the parole violator is unable to participate in the notice process due to a medical or psychological condition or physical unavailability, the DDMS Investigator shall document that information in Section III of the Request for Accommodation and Assistance form (DJJ 3.260).
3. In the unlikely event the parole violator is not available for a face-to-face notice, the DDMS Investigator shall attempt to notice the parole violator the following business day and every business day thereafter until the parole violator is noticed. Each attempt and the reason for the parole violator's unavailability shall be documented in JSTS.
4. Upon meeting with the parole violator, but prior to providing the Notice of Charges (DJJ 3.274), or discussing the upcoming Probable Cause Hearing, the DDMS Investigator shall conduct an in-person disability and effective communication needs assessment of the parole violator and allow him/her the opportunity to independently request reasonable accommodations via the Request for Accommodation and Assistance form (DJJ 3.260):
 - a. The Request for Accommodation and Assistance form (DJJ 3.260) shall be provided to the parole violator who shall be advised that JPB documents are available in alternative formats, including Spanish and large print, upon request.
 - b. The DDMS Investigator shall explain the Request for Accommodation and Assistance form (DJJ 3.260) to the parole violator using effective communication as is necessary to help the parole violator understand his or her right to accommodations for disability and/or effective communication needs and shall document on the form what method of effective communication was used and whether the parole violator appeared to understand.



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

- c. In order to ensure consistency among staff and to assure that the parole violator fully understands his/her rights, the Request for Accommodation and Assistance form (DJJ 3.260) shall contain the following statement:

"You have a right to receive help talking, reading, hearing, seeing, understanding or getting to your hearing. You have a right to receive help in meeting with your attorney. If you do not speak English, you have a right to an interpreter. If you are deaf and use sign language, you have a right to a sign language interpreter. If you have difficulty reading, the JPB or DJJ must provide you with help to read the forms and papers. If you need special transportation, the JPB or DJJ must provide it for you. If you do not receive the help you need, you may file a complaint using the Accommodation and Assistance Grievance form (DJJ 3.261) or the Accommodation and Assistance Appeal form (DJJ 3.261A)"

1. The DDMS Investigator shall request that the parole violator verbally read the above statement. If the parole violator is unable to read the statement, the DDMS Investigator shall read the statement verbatim to the parole violator and document this inability or refusal to read in Section III of the Request for Accommodation and Assistance form (DJJ 3.260).
2. The DDMS Investigator shall then ask the parole violator to explain his/her rights in his/her own words to the DDMS Investigator's satisfaction.
3. The DDMS Investigator shall observe the parole violator's ability to understand the process and the documents issued and shall check the appropriate box indicating whether the parole violator appears to understand the reason for the proceeding, his/her due process rights and his/her rights to accommodations for disabilities and effective communication needs.
4. If the parole violator appears to have difficulty understanding, the DDMS Investigator shall assess the need for alternative methods of communication (e.g. simple English, speaking slowly, repetition, etc.). The DDMS Investigator shall then document this finding as follows:
 - Check the box "Appears to Have Difficulty Understanding."
 - Check the box "Effective Communication Method Used" and write-in the method(s) used. The DDMS Investigator should also write any other observations that are pertinent.
5. If, during the notice, the DDMS Investigator becomes aware of an effective communication obstacle that must be resolved in order to communicate effectively with the parole violator, such assistance or accommodation must first be provided before notice of the charges and rights can be resumed.

C. Providing the Accommodation

1. The parole violator's request for a particular type of accommodation shall be given primary consideration and shall be granted unless the request is unreasonable for specific articulated reasons allowable under Title II of the ADA, its implementing regulations, and interpretive case law.
2. If the necessary accommodation(s) or auxiliary aid or service is not immediately available, the DDMS Investigator shall immediately notify the appropriate WDP Coordinator to secure such aid or service and resume the notice process as soon as practically possible. The accommodation requested shall be documented in JSTS.
3. Parole violators shall complete Section II of the Request for Accommodation and Assistance form (DJJ 3.260) in order to self-identify their need for an accommodation or effective communication assistance. If no accommodation or other assistance is being requested, the parole violator must so indicate to the best of his/her ability.



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

4. If the parole violator is unable to complete Section II, the DDMS Investigator shall provide assistance by documenting the responses given by the parole violator. The DDMS Investigator shall record this accommodation in Section III of the Request for Accommodation and Assistance form (DJJ 3.260).
5. If the parole violator has not identified a need, but the DDMS Investigator becomes aware of an effective communication obstacle or physical or mental impairment that may preclude the parole violator from effectively participating during the revocation extension process, the DDMS Investigator shall indicate in Section III of the Request for Accommodation and Assistance form (DJJ 3.260) that the parole violator has an apparent physical, mental, or communication impairment for which he will need an accommodation, what the impairment is to be accommodated, and what accommodation was provided to the parole violator at the serve. If the DDMS investigator at the serve denies the parole violator an accommodation, the denial of such accommodation shall also be documented in Section III of the Request for Accommodation and Assistance form (DJJ 3.260).
6. Document any additional information, personal observations and assessments of the parole violator, and note any accommodation used during the notice, in Section III of the Request for Accommodation and Assistance form (DJJ 3.260).
7. The DDMS Investigator and the parole violator shall sign and date the appropriate sections.
8. Upon completion of Sections I through III of the Request for Accommodation and Assistance form (DJJ 3.260), one (1) copy shall be provided to the parole violator prior to the end of this face-to-face review.
9. Advise the parole violator that if a requested accommodation is denied, he/she has the right to grieve such a decision via the Accommodation and Assistance Grievance form (DJJ 3.261). This form will be carried by facility staff and provided to parole violators upon request. Further advise the parole violator that the grievance will be decided prior to a scheduled hearing or parole proceeding.
10. Upon completion of the notice procedure described above, one (1) copy of the Request for Accommodation and Assistance form (DJJ 3.260) shall be placed in the parole violator's field file and one (1) copy shall be included in the Revocation Extension Packet to be forwarded to the JPB.

D. Responsibilities of the DJF Wards with Disabilities Program Coordinator

1. If an auxiliary device or specialized service is needed, but is not directly available to parole staff, he/she shall immediately inform the appropriate DJPO WDP Coordinator who will immediately take steps to secure an auxiliary device to ensure effective communication as soon as possible. In such cases, the auxiliary device shall be delivered directly to parole staff or sent by overnight mail if direct delivery is not possible.
 - The parolee's expressed choice of accommodation shall be given primary consideration and shall be provided unless it is unreasonable.
2. The DJF WDP Coordinator shall:
 - Acquire assistive hearing devices, and magnifying sheets to be provided in every ADA kit provided to all parole agents. The DJPO WDP Coordinator shall also acquire dual-handset phones for language interpretation services, which shall be available in every parole office.
 - Have access to a SARA via overnight delivery from Parole Headquarters
 - Maintain a list of sources of auxiliary aids that can be made available upon request.
 - Track the location of requested auxiliary aids and/or equipment.



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

- Ensure that the equipment is tested regularly and is in operable condition in order to avoid postponements of parole proceedings due to maintenance or repairs of equipment.
- Ensure that relevant JPB forms are available in alternative formats (Spanish, Braille, large print, and audio).

V. RESPONSIBILITIES OF THE JUVENILE PAROLE BOARD

A. JPB Revocation Desk Staff

Upon receiving a revocation/revocation extension packet, JPB Revocation Desk staff shall:

1. If the Request for Accommodation and Assistance (DJJ 3.260) form indicates a need for accommodation and/or assistance, ensure an "ADA/EC" stamp is placed on the Revocation Packet Content Checklist (DJJ 3.281)/Revocation Extension Packet Content Checklist (DJJ 3.283) and check that all source documents listed in section III.B.5 and IV.A.4 above are attached. If they are not, immediately contact the DDMS investigator or Parole Agent.
2. Provide the parolee/parole violators' attorney with a copy of the revocation packet no later than:
 - Eight (8) business days following the parole hold for detained/in-custody cases,
 - Twenty-one (21) business days following service of the notice of charges and rights for Not-In-Custody (NIC) cases, or
 - Eight (8) business days from the date of notice to the parole violator for revocation extension proceedings.

The revocation/revocation extension packet shall include the Request for Accommodation and Assistance form (DJJ 3.260) and an advisement that the parolee has the right to grieve an adverse accommodation decision.

3. Forward a copy of the revocation/revocation extension packet to the JPB ADA Coordinator for scheduling of accommodation and/or effective communication assistance.

B. JPB ADA Coordinator

1. The JPB ADA Coordinator shall:

- Acquire assistive hearing devices, dual-handset phones with individualized Personal Identification Numbers (PIN) for language interpretation services, and magnifying sheets.
- Ensure that all BCPAs have complete, operational ADA kits that shall consist of, but not limited to, an assistive hearing device, a magnifying sheet, a dual-handset telephone, and individualized personal identification numbers (PIN) in order to receive telephonic foreign language interpretation service.
- Acquire and maintain a SARA that can be made available upon request.
- Maintain a list of sources of auxiliary aids that can be made available upon request.
- Track the location of requested auxiliary aids and/or equipment.
- Ensure that the equipment is tested regularly and is in operable condition in order to avoid postponements of parole proceedings due to maintenance or repairs of equipment.
- Maintain a list of accessible hearing locations for use in parole revocation proceedings throughout the state.



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

- Ensure that relevant JPB forms are available in alternative formats (Spanish, Braille, large print, and audio).
- 2. If an auxiliary device or specialized service is needed, but is not directly available to the BCPA, he/she shall immediately inform the JPB ADA Coordinator who will immediately take steps to secure an auxiliary device or service to ensure effective communication as soon as possible. In such cases, the auxiliary device shall be delivered directly to the BCPA or sent by overnight mail if direct delivery is not possible.
 - The parolee's expressed choice of accommodation shall be given primary consideration and shall be provided unless it is unreasonable.
- 3. Upon receiving a completed Request for Accommodation and Assistance form (DJJ 3.260), the JPB ADA Coordinator shall:
 - a. Review the Request for Accommodation and Assistance form (DJJ 3.260) and all accompanying source documentation, to determine whether the requested accommodation is reasonable.
 - Modification or denial of the parolee/parole violator's requested accommodation shall only occur if, after individualized assessment of the parolee/parole violator, JPB staff determine that the requested accommodation unreasonably poses a risk to institutional or facility safety and security.
 - The expressed choice of the parolee/parole violator shall be given primary consideration and shall be granted unless the request is unreasonable for specific articulated reasons allowable under Title II of the ADA, its implementing regulations, and interpretive case law.
 - b. Contact the appropriate parties (parole staff, facilities staff, etc.) if additional information is required
 - c. If a disability or communication barrier exists that requires or may require accommodation, ensure an "ADA/EC" stamp is placed on the top right corner of the Revocation Packet Content Checklist (DJJ 3.281)/Revocation Extension Packet Content Checklist (DJJ 3.283).
 - d. Document the decision in Section IV of the Request for Accommodation and Assistance form (DJJ 3.260). One (1) copy shall be placed in the revocation/revocation extension packet, one (1) copy shall be kept by the JPB ADA Coordinator, one (1) copy shall be forwarded to the parolee's attorney, and one (1) copy shall be forwarded to the parole office/facility to be placed in the field file.
 - e. Document the decision in Section IV of the Request for Accommodation and Assistance form (DJJ 3.260). One (1) copy shall be placed in the revocation/revocation extension packet, one (1) copy shall be kept by the JPB ADA Coordinator, one (1) copy shall be forwarded to the parolee's attorney, and one (1) copy shall be forwarded to the parole office/facility to be placed in the field file.
 - f. Ensure that accommodations, auxiliary aids and services are provided by coordinating with the JPB Scheduler, the appointed attorney, DJJ facility staff and/or county jail staff as necessary.
 - If the Request for Accommodation and Assistance form (DJJ 3.260) indicates mobility impairment that would require an accessible facility, the JPB ADA Coordinator must (1) review the list of accessible hearing locations and ensure that the parole proceedings are held in an accessible facility and (2), if applicable, contact DJJ's transportation unit to ensure that accessible vans are scheduled
 - If a sign language or foreign language interpreter is required, obtain appropriate gate clearance information from the interpreter to allow necessary access to the hearing location. CDCR, DJJ, or county jail staff shall not be used as interpreters.



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

- Make accommodations available, if needed, for juvenile parolees with disabilities and/or effective communication needs in order to assist them in meeting with their attorney and preparing for parole revocation or revocation extension proceedings.
- g. If the attorney discovers that the approved accommodation does not achieve effective communication or participation, the attorney shall contact the JPB ADA Coordinator at JPB Headquarters for an alternative accommodation.

C. Hearing Officers

During Probable Cause, Revocation and Revocation Extension Hearings, the hearing officer shall:

1. Review the Request for Accommodation and Assistance form (DJJ 3.260) and the Accommodation and Assistance Grievance form (DJJ 3.261), if relevant, prior to conducting the hearing.
2. Verify the information contained therein with the parolee/parole violator and his/her attorney.
3. If there is no need for an accommodation, the hearing officer will proceed with the hearing.
4. If there is a need for an accommodation, ensure accommodations are provided so that the parolee/parole violator has equal access to and is able to effectively communicate during the hearing.
5. If an accommodation is unavailable, the BCPA and hearing officer shall make all reasonable efforts to immediately secure the accommodation including, but not limited to, granting a brief recess to arrange for the accommodation.
6. If it is not possible to secure the accommodation in order to hold the hearing the same day, the hearing officer may postpone the proceeding to a time as soon as practical until accommodations can be made available. Arrangements shall be made by the JPB ADA Coordinator to ensure that the accommodation is available at the newly scheduled hearing. Postponement of the proceeding shall be documented in JSTS on the case status report and on the hearing order.
 - Failure to provide an accommodation shall not be considered good cause for violating the "no later than" (NLT) date for that hearing.
7. Document the need for accommodation(s) and type of accommodation(s) provided at the hearing in Section IV of the Request for Accommodation and Assistance form (DJJ 3.260).

VI. ACCOMMODATION AND ASSISTANCE GRIEVANCE PROCESS

- A. Prior to revocation proceedings or revocation extension hearings, parolees/parole violators shall have the ability to challenge the JPB's denial or modification of the request for accommodation. Grievance decisions shall be decided by the JPB ADA Coordinator's supervisor as soon as possible, but no later than two (2) business days after the JPB's receipt of the grievance.
- B. All grievances regarding requests for accommodations shall be decided prior to a scheduled hearing. The need to decide a grievance of a request for accommodation or assistance decision is not good cause to postpone a hearing.
- C. Parolees/parole violators, through their attorney, may directly contact the JPB ADA Coordinator via telephone in order to notify the JPB of a disability and/or effective communication accommodation grievance. If the grievance cannot be resolved via telephone, the attorney may formally submit the Accommodation and Assistance Grievance form (DJJ 3.261) by faxing it to the JPB headquarters in Sacramento.



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

D. JPB ADA Coordinator

1. Upon being contacted via telephone by a parolee's/parole violator's attorney, the JPB ADA Coordinator shall:
 - a. Confirm the nature of the parolee's/parole violator's disability or effective communication need and the accommodation being requested.
 - b. Document and log the receipt of the telephonic grievance on the Accommodation and Assistance Grievance form (DJJ 3.261) and in the grievance log.
 - c. Immediately consult with the JPB ADA Coordinator's supervisor who will render a decision regarding parolee's/parole violator's grievance no later than one (1) business day after the telephonic grievance is made, unless that date is the same or later than the scheduled hearing, in which case it must be decided immediately.
 - d. Document the decision of the JPB ADA Coordinator's supervisor in Section IV of Request for Accommodation and Assistance form (DJJ 3.260).
 - e. Immediately telephone the parolee's/parole violator's counsel to notify him/her of the grievance decision and follow up the telephone call with a faxed copy of the Accommodation and Assistance Grievance form (DJJ 3.261) with the noted decision.
 - f. Coordinate the provision of approved accommodations, as applicable.
2. In the event that a grievance cannot be decided through the telephonic process outlined above, the parolee's/parole violator's counsel may file a formal written grievance by submitting an Accommodation and Assistance Grievance form to the JPB ADA Coordinator via fax.
3. Upon receipt of a written grievance, the JPB ADA Coordinator shall:
 - a. Date stamp the grievance on the date it was received and record it in the grievance log.
 - b. Assemble the grievance package, which shall consist of a copy of the completed Accommodation and Assistance Grievance form (DJJ 3.261), the Request for Accommodation and Assistance form (DJJ 3.260), and the JPB ADA Coordinator's decision denying or modifying the parolee's/parole violator's request with a notation documenting the date of the scheduled hearing for which the request is being made.
 - c. Immediately forward the grievance package to the JPB ADA Coordinator's supervisor. The response to the grievance package should be returned to the JPB ADA Coordinator within two (2) business days of the receipt of the form.
 - d. After a decision has been made by the JPB ADA Coordinator's supervisor, the JPB ADA Coordinator shall immediately fax the Accommodation and Assistance Grievance form (DJJ 3.261) to the parolee's/parole violator's attorney.
 - If the decision is to deny the grievance, the JPB ADA Coordinator shall advise parolee's/parole violator's attorney that he may submit an appeal within twenty (20) business days after the date of the hearing via the Accommodation and Assistance Appeal form (DJJ 3.261A).
 - The JPB shall decide such appeals and any other ADA-related or effective communication grievances within ten (10) business days of Defendants' receipt of the grievance form.
4. Where additional accommodations are necessary, the JPB ADA Coordinator shall coordinate provision of the approved accommodations.



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

E. JPB ADA Coordinator's Supervisor

1. The JPB ADA Coordinator's supervisor shall render a decision within one (1) business day of a telephonic grievance and within two (2) business days from receipt of a written grievance, unless that date is the same or later than the scheduled hearing date, in which case it must be decided immediately.
2. The JPB ADA Coordinator's supervisor shall:
 - a. Review the grievance packet, including the Request for Accommodation and Assistance form (DJJ 3.260), Accommodation and Assistance Grievance form (DJJ 3.261), and the JPB ADA Coordinator's decision denying or modifying the parolee's/parole violator's request and all other accompanying documentation.
 - b. Determine whether:
 - The requested accommodation would enable the parolee/parole violator to overcome any barriers to effective communication and/or equal access to the revocation process,
 - The requested accommodation is reasonable, and if not, whether an equally effective accommodation is available. Modification or denial of the parolee's/parole violator's request for accommodation shall only occur if it is unreasonable for specific articulated reasons allowable under Title II of the ADA, its implementing regulations, and interpretive case law or the requested accommodation unreasonably poses a risk to institutional or facility safety and security.
3. Document the decision to Grant, Grant with Modification, or Deny the request on the Accommodation and Assistance Grievance form (DJJ 3.261).
4. Return the completed Accommodation and Assistance Grievance form (DJJ 3.261) to the JPB ADA Coordinator for further processing, including recording the accommodation to be provided in JSTS.

VII. ACCOMMODATION AND ASSISTANCE APPEAL PROCESS

- A. The parolee/parole violator shall have the ability to appeal the DJJ's failure to provide an accommodation in a revocation proceeding that has already taken place. All appeals alleging a violation of a parolee's/parole violator's right to accommodations for a disability or effective communication needs may be submitted by the parolee/parole violator through his/her appointed attorney using the Accommodation and Assistance Appeal form (DJJ 3.261A) and shall be decided separately from any administrative appeal of the parole revocation findings and decision.
- B. All appeals must be submitted to JPB ADA Coordinator within twenty (20) business days of receipt of the written hearing decision that is the basis of the appeal.
- C. JPB ADA Coordinator
 1. Upon receipt of the Accommodation and Assistance Appeal form (DJJ 3.261A), the JPB ADA Coordinator shall:
 - a. Assemble the appeal package, which shall consist of a copy of the completed Accommodation and Assistance Appeal form (DJJ 3.261A) used to file the appeal, if a grievance was submitted prior to the hearing a copy of the Accommodation and Assistance Grievance form (DJJ 3.261) used to file the grievance, the Request for Accommodation and Assistance form (DJJ 3.260), and the JPB ADA Coordinator's decision denying or modifying the parolee's/parole violator's request.
 - b. Forward the appeal package to the Executive Officer, or his/her designee for a decision. If it is determined that the failure to provide an accommodation resulted in prejudice to the parolee's/parole violator's case due to the inability to meaningfully participate or assist his/her attorney, the remedy



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

shall be a new revocation hearing to be held as soon as practical. Failure to provide the accommodation shall not be considered good cause for a late hearing, and the parolee shall receive day for day credit for any delay past 35 days.

- c. After a decision has been made by the Executive Officer, or his/her designee, the JPB ADA Coordinator shall forward a copy of the completed Accommodation and Assistance Appeal form (DJJ 3.261A) to parole/facility staff to be placed in the parolee's/parole violator's field file, one (1) copy to the parolee's attorney, one (1) copy to the parolee, one (1) copy shall be retained by the JPB ADA Coordinator, and the result shall be recorded in the ADA Coordinator's grievance log.
- d. Notice of the appeal decision shall be provided to the parolee's/parole violator's attorney and to the parolee within five (5) business days from the date the appeal was received by the JPB ADA Coordinator.
- e. If the Executive Officer has granted the appeal and ordered a new hearing be conducted, coordinate with the JPB Scheduler to ensure the new hearing is held within ten (10) business days from the date the appeal decision is issued.

D. Executive Officer (or his/her designee)

1. The Executive Officer, or his/her designee, shall:

- a. Decide the appeal within ten (10) business days from the date that the Accommodation and Assistance Appeal form (DJJ 3.261A) was received by the JPB ADA Coordinator.
- b. Review the appeal package for documentation to verify the existence of a disability or effective communication need.
- c. Determine whether:
 - An accommodation was necessary for the parolee to overcome any barriers to effective communication and/or equal access to the parole proceeding.
 - The requested accommodation was reasonable, or if not, whether an equally effective accommodation could have been made available.
 - The parolee suffered prejudice to his or her case as a result of his or her inability to effectively participate in his or her own defense.
 - If the accommodation requested was reasonable and was denied, parolee shall receive a new hearing within 10 business days from the date of the order granting the appeal
- d. Document the decision to Grant or Deny the appeal on the Accommodation and Assistance Appeal form (DJJ 3.261A), consistent with item D1c above.
- e. Return the completed Accommodation and Assistance Appeal form (DJJ 3.261A) to the JPB ADA Coordinator for further processing.



DIVISION OF JUVENILE JUSTICE

Ensuring Disability Accommodations and Effective Communication During Revocation Proceedings

FORM(S)

1. DJJ 1.411, Referral Document
2. DJJ 3.207, Notice of Conditions of Parole
3. DJJ 3.260, Request for Accommodation and Assistance
4. DJJ 3.260A, Request for Accommodation and Assistance Instructions
5. DJJ 3.260B, Request for Accommodation and Assistance Definitions
6. DJJ 3.261, Accommodation and Assistance Grievance
7. DJJ 3.261A, Accommodation and Assistance Appeal
8. DJJ 3.263, Notice of Revocation Extension Rights and Acknowledgement
9. DJJ 3.265, Screening Referral for Revocation Extension Hearing
10. DJJ 3.274, Notice of Charges
11. DJJ 3.281, Revocation Packet Content Checklist
12. DJJ 3.283, Revocation Extension Packet Content Checklist
13. DJJ 3.291, First Contact Report
14. DJJ 3.299, Disability-Effective Communication Summary Report
15. DJJ 8.043, Youth Request for Reasonable Accommodation
16. DJJ 8.288, Disability Referral/Evaluation